

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF MICHIGAN  
SOUTHERN DIVISION

RUFUS LOVE,

Plaintiff,

Case No. 05-CV-74028

vs.

HON. GEORGE CARAM STEEH

COMMISSIONER OF SOCIAL SECURITY,

Defendant.

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ORDER ACCEPTING MAGISTRATE JUDGE'S REPORT AND  
RECOMMENDATION (DOC. # 11), DENYING THE PARTIES' CROSS-MOTIONS  
FOR SUMMARY JUDGMENT (DOCS. # 7 & 8), AND REMANDING  
CASE FOR FURTHER PROCEEDINGS

This matter is one in which plaintiff Rufus Love challenges the Social Security Administration's determination that plaintiff was not "disabled" for purposes of the Social Security Act. As provided by 28 U.S.C. § 636(b)(1)(B) and E.D. Mich. LR 72.1(b)(2), the case was assigned to Magistrate Judge Majzoub for pre-trial proceedings.

Before the court is the magistrate's Report and Recommendation, filed January 11, 2007, concerning the parties' cross-motions for summary judgment. The magistrate recommends that the court deny both defendant's and plaintiff's motions for summary judgment, and remand the matter to the agency for further fact finding.

In Magistrate Majzoub's Report and Recommendation, the conclusion section clearly stated that objections to her report and recommendation were to be filed within 10 days of service of a copy thereof. 28 U.S.C. § 636(b)(1), Fed. R. Civ. P. 72(b). However, neither plaintiff nor defendant Commissioner has filed objections to the report

and recommendation to date. The failure to file such objections waives a party's right to further appeal. Howard v. Secretary of Health & Human Services, 932 F.2d 505 (6<sup>th</sup> Cir. 1991). *Also see* U.S. v. Campbell, 261 F.3d 628, 631-32 (6<sup>th</sup> Cir. 2001) (citing Thomas v. Arn, 728 F.2d 813 (6<sup>th</sup> Cir. 1984), *aff'd* 474 U.S. 140 (1985)).

The court has considered the pleadings and the report and recommendation of the magistrate in this matter. For the reasons stated in the well-reasoned report and recommendation of Magistrate Judge Majzoub, the parties' cross-motions for summary judgment are hereby DENIED, and the case is remanded for further fact-finding.

IT IS SO ORDERED.

Dated: February 1, 2007

S/George Caram Steeh  
GEORGE CARAM STEEH  
UNITED STATES DISTRICT JUDGE

CERTIFICATE OF SERVICE

Copies of this Order were served upon attorneys of record on  
February 1, 2007, by electronic and/or ordinary mail.

S/Josephine Chaffee  
Deputy Clerk